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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,368	03/18/2004	Yuuki Inoue	2271/71533	9208
7590 Ivan S. Kavrukov, Esq. Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036				
EXAMINER				
DICKER, DENNIS T				
ART UNIT		PAPER NUMBER		
2625				
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03/17/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/804,368

Applicant(s)

INOUE, YUUKI

Examiner

DENNIS DICKER

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 12, 23 and 34-39, 41-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 12, 23, 34-39 and 41-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/10/2008.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks, filed 12/9/2008, with respect to the rejection(s) of claim(s) 1,12,23 and 34-43 under 35 U.S.C 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Adam et al (hereinafter "Adam" US 7,414,752).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 12, 23, 34-39, 41-43, are rejected under 35 U.S.C. 102(e) as being anticipated by Adam.

As pertaining to **Claim 1**, Adam teaches an image processing method for performing color conversion among a plurality of image forming apparatuses, including a first printer and a second printer (**i.e., Col. 2 lines 29-39, plurality of devices including a target printer[5 of Fig. 2]**), comprising the steps of:

a) producing a plurality of color profiles provided for performing color conversion on input image information within a same color space or through different color spaces (i.e., **Col. 5 lines 2-47, plurality of color profiles for conversion through different color spaces**);

b) selecting a color profile from said plurality of color profiles (i.e., **Col. 8 lines 46-53, selecting a printer profile from a compensation transform**); and

c) using said selected color profile to convert input color data, in a RGB color space, to converted color data, in a device-dependent CMYK color space of said second printer, for reproducing colors obtained by said first printer by applying said input color data (i.e., **Col. 13 lines 1-31**), each of said input color data and said converted color data corresponding to a same color in a predetermined device-independent color space which does not depend on apparatus types (i.e., **Col. 13 lines 31-67**), the color profile being generated by a process including (d) producing in a computer, color patch data from uniformly dividing a RGB color space (i.e., **Col. 4 lines 18-29**); (e) obtaining corresponding color patches in an image formed by a first image forming apparatus of an apparatus type of said first printer according to said color patch data in the RGB color space (i.e., **Col. 13 lines 1-23**); (f) measuring coordinate values of the color patches in the predetermined device-independent color space which depends on the apparatus type of the first printer and the predetermined device-independent color space, based on a measurement result of (f) (i.e., **Col. 13 lines 24-31**); (h) obtaining a relationship between the predetermined device-independent color space in an image formed by a second image forming apparatus of an apparatus type

of said second printer and a second color space which depends on said apparatus type of said second printer (**i.e., Col. 13 lines 40-67**); and (i) calculating a coordinate value in the second color space which depends on the apparatus type of said second printer for each color patch whereby color of an image formed by said second printer has a color difference which is effectively reduced from color of an image formed by said first printer (**i.e., Col. 8 lines 36-45, calculating accurate color profiles of a target device**), according to the relationship between the predetermined device-independent color space in an image formed by said second printer and the second color space which depends on the apparatus type of said second printer (**i.e., Col. 8 lines 62-67**), obtained in (h), wherein color in an image formed by said second printer using said device-dependent input color data is visually equal to color of an image formed by said first printer using said converted device-dependent color data (**i.e., Col. 2 lines 48-67**).

With regards to program of **Claim 12**, the limitations of the claim 12 are corrected by limitations of claim 1 above. The steps of claim 12 read into the function steps of claim 1.

With regards to the computer readable medium of **Claim 23**, the limitations of the claim 23 are corrected by limitations of claim 1 above. The steps of claim 23 read into the function steps of claim 1.

With regards to the apparatus of **Claim 34**, the limitations of the claim 34 are corrected by limitations of claim 1 above. The steps of claim 34 read into the function steps of claim 1.

As pertaining to **Claim 35**, Adam teaches an image processing apparatus as wherein: said plurality of color profiles are provided from actually measuring color of an image formed by one of said plurality of image forming apparatuses (**i.e., Col. 9 lines 48-59, reference target is scanned which is used to calibrate the print target**), and creating a color profile whereby color of an image effectively approximating the measured color is formed by another of said plurality of image forming apparatuses approximately equal thereto (**i.e., Col. 2 lines 48-65, profile calibration is used to effectively approximate a measured color of another device**).

As pertaining to **Claim 36**, Adam teaches an image processing apparatus wherein: said plurality of color profiles comprise color profiles whereby a color difference in a color space which does not depend on apparatus types between images formed by the image forming apparatuses may be made to effectively approximate each other (**i.e., Col. 4 lines 39-61, LAB color space does not depend on apparatus types is used for improved color conversion**).

As pertaining to **Claim 37**, Adam teaches an image processing apparatus, wherein: said color space which does not depend on apparatus types comprises any one of an LAB color space, an XYZ color space and an LUV color space defined by CIE (**i.e., Col. 4 lines 48-54, LAB independent color space**).

As pertaining to **Claim 38**, Adam teaches an image processing apparatus comprising a printer driver provided in a host computer which outputs printing information to the image forming apparatus (**i.e., Col.11 lines 1-25, host computer sends print commands to target printer**).

As pertaining to **Claim 39**, Adam teaches an image processing apparatus comprising a controller provided in one of the plurality of image forming apparatuses which forms an image having color which is made to effectively approximate color of image formed by another of said plurality of image forming apparatuses with the use of the color profile (**i.e., Col. 11 and Col. 12 lines 16-41, driver in printer is made to effectively approximate color of another apparatus**).

As pertaining to **Claim 41**, Adam teaches an image processing apparatus further comprising a part selecting a color profile to be applied from among the plurality of color profiles (**i.e., Col. 4 lines 55-61**).

As pertaining to **Claim 42**, Adam teaches an image processing apparatus wherein: a host computer (**i.e., 100 of Fig. 2**) which provides printing information to the image forming apparatus comprises said part selecting a color profile to be applied from among the plurality of color profiles (**i.e., Col. 11 lines 10-15, host computer does the processing and storage of the color profiles**).

With regards to the apparatus of **Claim 43**, the limitations of the claim 43 are corrected by limitations of claim 1 above. The steps of claim 43 read into the function steps of claim 1.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tsuji et al (US 7,403,315). Color conversion definition creating method for calibrating a second device based on RGB space of first device.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DENNIS DICKER whose telephone number is (571)270-3140. The examiner can normally be reached on Monday -Thursday 7:30 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Haskins can be reached on (571) 272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. D./
Examiner, Art Unit 2625
3/18/2009

/Twyler L. Haskins/
Supervisory Patent Examiner, Art Unit 2625